



*M.P.* *#*

PATENT  
ATTORNEY DOCKET NO.: 013306-5001-02US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Fanie Retief VAN HEERDEN et al.	)	
	)	
Application No.: 10/073,357	)	Group Art Unit: 1623
	)	
Filed: February 13, 2002	)	Examiner: Unassigned
	)	
For: PHARMACEUTICAL COMPOSITIONS	)	
HAVING APPETITE SUPPRESSANT	)	
ACTIVITY	)	

Commissioner for Patents and Trademark  
Washington, D.C. 20231  
**BOX MISSING PARTS**

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

1. This replies to the Notice to File Missing Parts of Nonprovisional Application mailed March 7, 2002.

A copy of the Notice To File Missing Parts Of Nonprovisional Application is enclosed.

2. Declaration Or Oath

☐ No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney

☐ The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.

☐ The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

3. English Translation of Non-English Language Papers

☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

## 4. Small Entity Statement(s)

☐ Applicants claim small entity status as provided under 37 C.F.R. §§ 1.9 and 1.27.

## 5. Fee Calculation

Basic Fee: Patent Application-\$740.00 Design Application-\$370.00				\$ 740.00
	Number Filed	Number Extra	at a Rate of	
Total Claims	24 - 20 =	0	\$18.00 each=	+ 72.00
Independent Claims	2 - 3 =	0	\$84.00 each=	+ 0.00
Multiple dependent claim(s), if any			\$270.00	+ 0.00
Missing Parts Surcharge Fee			\$130.00	+ 130.00
<b>SUB-TOTAL =</b>				942.00
Reduction by ½ for filing by a small entity				- \$ 0.00
<b>SUB-TOTAL =</b>				942.00
Fee For Application Filed With A Non-English Specification (37 CFR 1.17(k) and 1.52(d))			\$130.00	+ 0
Fee For Processing and retention of application (37 CFR 1.21(l) and 1.53(d))			\$130.00	+ 0
<b>TOTAL FILING FEE =</b>				<b>\$ 942.00</b>

## 6. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ Applicant petitions for an extension of time, the fees for which are set out in 37 CFR 1.17(a)-(d), for the total number of months checked below:

<u>Total months requested</u>	<u>Fee for extension</u>	<u>[fee for Small Entity]</u>
[ ] one month	\$ 110.00	\$ 55.00
[ ] two months	\$ 390.00	\$195.00
[ ] three months	\$ 890.00	\$445.00
[ ] four months	\$1,390.00	\$695.00

Extension of time fee due with this request: **\$0**

If an additional extension of time is required, please consider this a Petition therefor.

[x] Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

7. Fee Payment

The total fee due is:	Filing Fee	<u>\$740.00</u>
	Claims	<u>\$72.00</u>
	Missing Parts Fee	<u>\$130.00</u>
	Total Fee Due	<u>\$942.00</u>
<b>Fees paid upon filing of application</b>		<b><u>\$812.00</u></b>

**Total Fee Due            \$ 0.00**

☒ On February 13, 2002, Applicants filed a Divisional Application which included authorization to charge **\$810.00** (\$740.00 filing fee + \$72.00 extra claim fee) to Deposit Account No. 50-0310. A copy of the transmittal letter as well as date-stamped postcard evidencing this authorization is enclosed herewith. Accordingly, Applicants believe that no fee is due.

☒ **EXCEPT** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

8. Additional papers enclosed.
- ☐ Preliminary Amendment
  - ☐ Information Disclosure Statement
  - ☐ Form PTO-1449
  - ☐ Citations
  - ☐ Declaration of Biological Deposit
  - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**



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Christine S. Lee, Ph.D.

Reg. No. 42,788

Date: March 22, 2002

**CUSTOMER NO. 009629**  
**MORGAN, LEWIS & BOCKIUS LLP**  
**1111 Pennsylvania Avenue, NW**  
**Washington, DC 20004**  
**Tel: 202.739.3000**



PATENT  
ATTORNEY DOCKET NO.: 013306-5001-02

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Assistant Commissioner for Patents  
**BOX PATENT APPLICATION**  
Washington, D.C. 20231

PRIOR APPLICATION: 09/402,962

Examiner: Unassigned  
Group Art Unit: Unassigned

**DIVISIONAL PATENT APPLICATION TRANSMITTAL UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a patent application under 37 C.F.R. § 1.53(b).

1. This application is a Divisional patent application under 37 C.F.R. § 1.53(b), of copending prior application no. 09/402,962, filed on October 13, 1999, of:

Inventor(s): Fanie Retief VAN HEERDEN et al.

For: PHARMACEUTICAL COMPOSITIONS HAVING APPETITE SUPPRESSANT  
ACTIVITY

2. The papers enclosed are as follows:

<u>154</u>	Page(s) of specification including
<u>1</u>	Title Page
<u>38</u>	Page(s) of claims
<u>1</u>	Page of abstract
<u>6</u>	Sheet(s) of drawings containing <u>6</u> Figures
<u>    </u>	Other:

3. Amendments

- ☒ [x] Cancel in this application original claims 25-121 in the enclosed copy of prior application before calculating the filing fee.
- ☒ [x] A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

4. Oath or Declaration

- ☐ A newly executed (original or copy) oath or declaration is enclosed.
- ☒ A copy of an oath or declaration filed in prior parent application no. 09/402,962 is enclosed under 37 C.F.R. § 1.63(d). The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied is considered as part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ A signed statement deleting inventor(s) named in the prior application is enclosed.

5. Relate Back - 35 U.S.C. § 120

- ☐ Amend the specification by inserting before the first line the sentence:
- ☐ This is a divisional of copending
- ☐ Application No. \_\_\_\_\_, filed \_\_\_\_\_, which is incorporated by reference in its entirety.
- ☐ International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and which designated the U.S.

6. Priority - foreign applications under 35 U.S.C. § 119(a)-(d) or § 365(b) or PCT international applications under 35 U.S.C. § 365(a) designating at least one country other than the U.S.

- ☒ Priority of the following foreign application(s) is/are claimed:

Country	Application No.	Filed
South Africa	97/3201	April 15, 1997
PCT	PCT/GB98/01100	April 15, 1998

Certified copy(ies): ☐ is/are attached.

7. Assignment

- ☒ Prior application no. 09/402,962 is assigned of record to CSIR on October 13, 1999, at Reel/Frame 010441/0678.
- ☐ An assignment of the invention to \_\_\_\_\_ and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

8. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS FOR FEE CALCULATION				
	Number Filed	Number Extra	at Rate of	Basic Fee Utility \$740.00 Design \$440.00
Total Claims (37 C.F.R. § 1.16(c))	24 - 20 =	4	\$ 18.00 each =	+ \$ 72.00
Independent Claims (37 C.F.R. § 1.16(b))	2 - 3 =	0	\$ 84.00 each =	+ \$ .00
Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d))			\$260.00	+ \$ 0.00
SUB-TOTAL =				\$ 0.00
Reduction by ½ for filing by a small entity				- \$ 0.00
TOTAL FILING FEE =				\$ 812.00

9. Fee Payment

- ☐ Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.** This application is being filed under the provisions of 37 C.F.R. § 1.53(f). Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

☒ Enclosed.

A check(s) in the amount of \$0.00 to cover the application filing fee is enclosed.

☐ The fee for extra claims under 37 C.F.R. § 1.16(d) is not being paid at this time and no authorization is given to charge our deposit account for this fee.

☒ The Commissioner is hereby authorized to charge the filing fee of **\$812.00** to Deposit Account No. 50-0310.

☒ The Commissioner is hereby authorized to charge any deficiency in the fee or credit any overpayment to Deposit Account No. 50-0310.

10. Small Entity Status is claimed and

☐ a statement claiming small entity status is enclosed, or

☐ a small entity statement was filed in the prior nonprovisional application and is still proper and desired.

11. ☒ The power of attorney in the prior application is to at least one of the registered practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all correspondence shall be addressed to that Customer Number.

Please address all correspondence to Morgan, Lewis & Bockius LLP at **Customer Number: 009629**

12. ☐ Recognize as associate attorney \_\_\_\_\_  
(name, address, and registration no.)

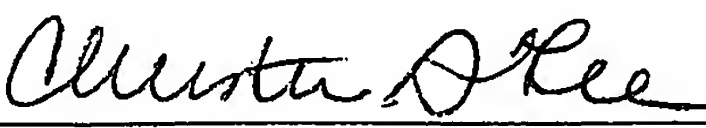
13. ☒ **PETITION FOR EXTENSION OF TIME.** If any extension of time is necessary for the filing of this application, including any extension in the prior application, application no. 09/402,962, filed October 13, 1999, for the purpose of maintaining copendency between the prior application and the present application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to Deposit Account No. 50-0310.



14. ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be an **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).
15. Additional papers enclosed:
- ☒ Information Disclosure Statement
  - ☒ Form PTO-1449
  - ☐ Declaration of Biological Deposit
  - ☐ Submission of Sequence Listing, computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
  - ☐ Request and Certification under 35 U.S.C. 122(b)(2)(B)(i)
  - ☒ Preliminary Amendment

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By:   
Christine S. Lee, Ph.D.  
Reg. No. 42, 788

Dated: February 13, 2002

**CUSTOMER NO. 009629**  
**MORGAN, LEWIS & BOCKIUS LLP**  
1111 Pennsylvania Ave., N.W.  
Washington, D.C. 20004  
202-739-3000



**PLEASE STAMP AND RETURN TO SHOW RECEIPT OF:**

New DIVSIONAL Patent Application of:

**Fanie Retief VAN HEERDEN et al.**

Prior Application No.: 09/402,962

Filed: October 13, 1999

Group Art Unit: Unassigned

Examiner: Unassigned

For: PHARMACEUTICAL COMPOSITIONS HAVING  
APPETITE SUPPRESSANT ACTIVITY

**ATTN: BOX PATENT APPLICATION**



1. Authorization to charge Deposit Account No. **50-0310** in the amount of **\$812.00**
2. Application Transmittal Letter
3. Specification of 154 pages, 38 pages of claims 121 total claims, 6 sheets of drawings (Figs. 1-6)
4. Preliminary Amendment
5. Information Disclosure Statement
6. Form PTO-1449 (3 sheets)
7. Copy of Declaration and Power of Attorney

Date: February 13, 2002

Attorney Docket No.: 013306-5001-02

CSL/dmb



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/073,357	02/13/2002	Fanie Retief Van Heerden	013306-5001-02

CONFIRMATION NO. 5958

009629

MORGAN LEWIS & BOCKIUS LLP  
1111 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20004

## FORMALITIES LETTER



\*OC000000007598130\*

Date Mailed: 03/07/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$72.
  - \$72 for 4 total claims over 20.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 942.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52 because:
  - Papers contain improper margins. *Each sheet must have a left margin of at least 2.5 cm (1") and top, bottom and right margins of at least 2.0 cm (3/4")*

03/26/2002 NROCHA1 00000029 500310 10073357

01 FC:101	740.00 CH
02 FC:103	72.00 CH
03 FC:105	130.00 CH

*A copy of this notice **MUST** be returned with the reply.*



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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE